

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOE PADILLA	§	
TDCJ-ID NO. 878408,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. H-05-495
	§	
BILLY H. JACKSON, <i>et al.</i> ,	§	
Defendants.	§	

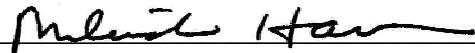
ORDER OF DISMISSAL

Plaintiff has filed a complaint alleging violations of his civil rights under 42 U.S.C. § 1983. However, plaintiff has not responded to a court order, entered on February 24, 2005, directing him to file a more definite statement of his claims. (Docket Entry No.3). The court's order specifically provided that "[f]ailure to comply as directed may result in dismissal of this action." The plaintiff's failure to pursue this action forces the court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995). The plaintiff is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, it is ORDERED that this action be DISMISSED without prejudice for want of prosecution.

SIGNED at Houston, Texas, this 7th day of June, 2005.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE